

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: Heike Gielen-Haertwig Docket No: BHC 041036 PCT-US

Serial No: 10/590,770

Group Art Unit: 1624

Filed: 06/18/2007

Examiner: Deepak R Rao

Confirmation No: 2475

Title: 1,4-DIARYL-DIHYDROPYRIMIDIN-2-ONES AND THEIR USE AS HUMAN

NEUTROPHIL ELASTASE INHIBITORS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1250

REPLY AFTER FINAL, UNDER 37 C.F.R. § 1.116

This Reply is submitted, under 37 C.F.R. §1.116 in response to a Final Office Action dated March 15, 2011. Applicants request reconsideration in view of two terminal disclaimers, transmitted herewith. No listing of claims is included in this reply, as no amendments to the claims are proposed herein.

The terminal disclaimers replace two terminal disclaimers submitted by Applicants on June 15, 2011 in response to the same Final Office Action. In an Advisory Action mailed June 27, 2011, the Examiner stated that the terminal disclaimers had been reviewed and were not accepted because it has not been established that the person who signed the documents is authorized to act on behalf of the assignee. The undersigned, Karen King, thanks Examiner Rao for explaining the basis for the decision not to accept the original terminal disclaimers, in a telephone call on June 30, 2011. The replacement terminal disclaimers transmitted herewith have been executed by Barbara A Shime, a patent attorney authorized to act on behalf of the assignee.

All the pending claims, (i.e. claims 1-3 and 19-25) were rejected for non-statutory obviousness-type double patenting over then pending but allowed claims of Application No. 10/590,786 (now, US Patent No. 7,893,073) and over claims of US Patent No.

7,687,510. Applicants submit that the two terminal disclaimers transmitted herewith obviate both rejections.

Applicants submit that all the present pending claims (i.e. claims 1-3 and 19-25) are in condition for allowance. Issuance of all the claims is, therefore, requested.

Respectfully submitted,

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